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1638

1104628-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koziel et al.
Serial No. : 09/988,462
Filed : November 20, 2001
For : Synthetic DNA Sequence Having Enhanced
Insecticidal Activity in Maize
Examiner : McElwain, Elizabeth
Group Art Unit : 1638

I hereby certify that this paper is being deposited
with the United States Postal Service as first class mail on the
date indicated below in an envelope addressed to:
Assistant Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

John Scheibeler	35,346
Name	PTO Reg. No.
<i>John Scheibeler</i>	9/16/03
Signature	Date of Signature

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING OF A FIRST OFFICE ACTION**

Group 1638
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this Information Disclosure Statement ("IDS") and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the accompanying Form PTO-1449 is submitted herewith.

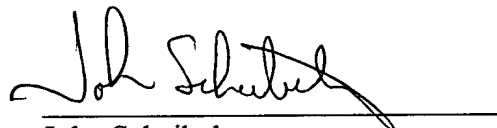
The IDS is submitted to provide the Examiner with additional information arising out of a patent infringement litigation entitled, *Syngenta Seeds, Inc. v. Monsanto Company; DeKalb Genetics Corp.; Pioneer Hi-Bred International, Inc.; Dow Agrisciences, LLC and Mycogen Plant Science, Inc. and Agrigenetics, Inc.*, C.A. No. 02-1331 (D. Del.).

This submission should not be misconstrued as an acknowledgement by applicants or the undersigned that any of the submitted information is material or qualifies as prior art.

This IDS is being filed before the mailing date of a first Office Action on the merits according to 37 C.F.R. §1.97(b)(3). Therefore, no fees are due in connection with this filing. However, should any fees be deemed necessary in connection with this filing, the Assistant Commissioner is hereby authorized to charge Deposit Account No. 23-1703.

Dated: 9/16/03

Respectfully submitted,



John Scheibeler
Reg. No. 35,346
Attorney for Applicants
Customer No. 007470
White & Case LLP
Direct Dial: (212) 819-8830

SEP 22 2003

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FORM PTO-449 (REV. 2-82) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Atty. Docket No.	Serial No.
	1104628-0016	09/988,462
	Applicants: Koziel et al.	
Filing Date:	Group:	
November 20, 2001	1638	

UNITED STATES PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Name	Class	Sub- Class	Filing Date, if Appropriate

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Country	Class	Sub-Class	Translation Yes No
	3 6 5 6 8 8 9	21 Dec 1989	Australia			
	4 6 8 8 1 8 9	21 Jun 1988	Australia			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Motion of Defendant Dow Agrosiences LLC, Mycogen Plant Science, Inc. and Agrigenetics, Inc. For Leave to Amend Its Answer
	Motion for Leave to File Second Amended Answer and Counterclaims, by Defendants Monsanto Company and DeKalb Genetics Corp.
	Pioneer Hi-Bred International, Inc.'s Motion to Further Amend Its Answer, Affirmative Defenses and Counterclaims

Examiner:

Date Considered:

*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.